

REMARKS

Claims 1-2, 4-20, 22-31, and 33-49 are pending in the present application. Applicant proposes amending claims 1, 6, 8, 10, 17, 20, 28-30, 35-36, and 38, and canceling claims 5, 18, 22, and 34.

Claims 1-2, 4-7, 10-15, 20, 22, 28-31, 33-35, 38-40 and 46-49 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of prior art.

Reconsideration of the present application is respectfully requested in view of the above amendments and following remarks.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-2, 4-7, 10-15, 20, 22, 28-31, 33-35, 38-40 and 46-49 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Adatia et al. (US(2004/0112262A1) in view of Ejima et al. (US 6,259,469 B1). Claims 8-9, 19, 23-24, 36-37 and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Adatia in view of Ejima and further in view of Ditzik (US 2001/003080850 A1). Claims 16-18, 25-27 and 41-44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Adatia in view of Ejima, and in further view of Narayanaswami (US 2001/0013890).

Reconsideration is respectfully requested.

Amended claim 1 recites:

1. A user interface mechanism for switching among at least two modes in a media device having a media screen for displaying data relating to media content, modes of operation of the media device including a first mode for interacting with the media device when the media content relates to music playback and a second mode for interacting with the media content when the media content relates to image content, comprising:

at least one component physically movable between a first position corresponding to the first mode and a second position corresponding to the second mode,

wherein when said at least one component is physically moved to the first position, the media screen of the media device is substantially shielded from view,

wherein when said at least one component is physically moved to the first position, a portion of the media screen remains unshielded from view, and

wherein said at least one component comprises a plurality of physical user interface controls for interacting with the media content when said at least one component is physically moved to the first position.

In order for a reference or set of references to render the claim obvious, the references must teach the entirety of the recited claim including the emphasized language. The undersigned respectfully submits that Adatia, Ejima, Ditzik, and Narayanaswami do not teach the emphasized claim language and cannot possibly teach or even suggest the recited combination.

The Adatia Reference

Adatia discloses a media resource manager/player in the form of a user interface control “for a virtual instrument that is being displayed by a computer” (Adatia, see Abstract, ¶ [0004]). The user interface control and **virtual** instrument run as an application on a computer running an operating system. (Adatia, ¶ [0028])(emphasis added). Thus, in order to interact with the user interface control, the display screen of the computer must be always be **visible**.

The Office acknowledges that Adatia does **not** teach or suggest “at least one component physically movable between a first position corresponding to the first mode and a second position corresponding to the second mode, wherein when said at least one component is moved to the first position, the media screen of the media device is substantially shielded from view, wherein when said at least one component is moved to the first position, a portion of the media screen remains unshielded from view.” Applicant further notes that the Adatia user interface is “virtual” and not a physical device, and therefore does not include any component that is “**physically** movable between a first position and a second position.”

Adatia also does not disclose “wherein said at least one component includes a plurality of physical user interface controls for interacting with the media content when said at least one component is physically moved to the first position.” Indeed, because Adatia’s user interface only provides “virtual” buttons and controls, Adatia cannot be said to teach “a plurality of physical user interface controls” as recited in claim 1.

The Ejima Reference

Ejima does not make up for the deficiencies of Adatia. Ejima discloses an electronic camera having an LCD cover 14, which protects LCD 6 when it is not used and which is slidable between an open position (as shown in FIG. 2 of Ejima) and a closed position (as shown in FIG. 3 of Ejima). The camera also includes a microphone 8, a speaker 5, and an earphone jack 9. The speaker 5 and earphone jack 8 are used to output sound recorded with the microphone 8. (Ejima, col. 4, lines 25-27). **In order to interact with the camera to play back sound recordings associated with any image, the LCD cover 14 must be open to expose the LCD display 6 because the touchpad 6A of the LCD display 6 is the only means of selection of sound content that may be selected for playback.** This feature is explained in detail in Ejima at column 13, lines 50-67, with reference to FIG. 9 of Ejima. As discussed therein, the user selects information to be reproduced by pressing the sound information bar with a pen 41, which causes the CPU 39 to read the sound data corresponding to the selection and supply it to the A/D and D/A circuit 42 for reproduction through the speaker 5. Other than through the touchpad 6A of the LCD display, Ejima teaches no other means for selecting sound for reproduction through the speakers or otherwise interacting with the camera to play back sound through the speaker 5. Thus, the LCD display 6 must be visible when the camera is used to play back sound. This is in contradistinction to Applicant's recited apparatus of claim 1, which recites "wherein when said at least one component is moved to the first position, the media screen of the media device is substantially shielded from view," wherein the "first position corresponding to the first mode" and the "first mode for interacting with the media device when the media content relates to music playback".

The Office alleges that there is nothing to prevent the LCD cover 14 from being partially closed by sliding the cover 14 only part way up thereby allowing the LCD to be partially open. However, even if the cover 14 were moved to a partially open position, Ejima at column 6, lines 6-28 with reference to FIGS. 5A, 5B, and 5C, discloses that LCD switch 25, which controls the powered state of the LCD, is placed in the "ON" state **only when the protruding part thereof is pressed**. As illustrated in FIGS. 5A-5C, the LCD cover 14 includes an arm part 14A which presses the protruding part of the LCD switch 25 only when

the cover 14 is in the fully open position. Thus, the LCD is powered only when the LCD cover 14 is fully open such that the arm part 14A of the cover 14 presses the LCD switch 25. As a result, a user wishing to interact with the camera to select a recording for playback can only do so when the LCD 6 is fully visible and cannot do so even when the LCD 6 is only partially visible. It is respectfully submitted that the disclosure of Ejima is counter to the Office's suggestion that there is nothing to prevent the LCD cover 14 from being partially closed. According to disclosure in Ejima, the LCD will not be powered if the cover 14 is not in the fully open position.

Ejima also does not teach or suggest "wherein said at least one component includes a plurality of physical user interface controls for interacting with the media content when said at least one component is physically moved to the first position." In Ejima, the LCD cover 14 which the Office equates with Applicant's "at least one component physically movable between a first position corresponding to the first mode and a second position corresponding to the second mode," does not itself include any physical user interface controls which allow a user to interact with media content when the cover 14 is in the closed position. Rather, in Ejima, when the LCD cover 14 is moved to the closed position, all user interface controls for interacting with the camera to produce sound recording playback is covered and shut down. In particular, the LCD display through which the user can select recordings for playback is completely covered by the cover 14 and is in fact powered off by switch 25. Thus, in contrast to the recited claim language, Ejima also does not teach or suggest "wherein said at least one component includes a plurality of physical user interface controls for interacting with the media content when said at least one component is physically moved to the first position."

Claim 1 further recites that the "at least one component physically movable between a first position ... and a second position..." itself comprises "a plurality of physical user interface controls for interacting with the media content when said at least one component is physically moved to the first position." Applicant directs the Office to Applicant's specification including at least at paragraphs [0030] -[0032] and [0035]-[0036], where embodiments are described as having physical buttons and controls for interacting with the media content when the various embodiments (FIGS. 3A-3D, 4A-4C, 5A-5D) are in the closed position (*i.e.*, the first component is in the first position). That is, when a device is in

the closed position corresponding to the playing of music content, the device includes buttons and other controls for controlling the playback of the music. In contradistinction to the recited claim language, Ejima does not provide any buttons on the sliding cover itself that allow the user to control the playback of music when the cover 14 is in the closed position.

The Office alleges that the camera in Ejima can still operate as a telephone even when the cover 14 is closed. However, Ejima explicitly states in col. 24, lines 63-65 that in order for the user to input a telephone number to make a phone call, the user must enter the phone number via the touch tablet 6A, which is only possible if the cover 41 is in the open position. Further, the phone shown in FIG. 27 as referred to by the Office is physically shown on the LCD display when the callee (not the camera) does not have video capability. Thus, in order for this image of the phone to be displayed on the LCD, the cover 14 must be opened. Accordingly, in contrast with the Office's allegations, Ejima in fact does not allow operation of the camera as a phone when the cover 14 is closed. Furthermore, even if Ejima did allow operation of the device as a telephone with the cover 41 closed, a telephone operation is not the equivalent of a music playback operation and thus still does not meet the recited claim language.

For all of the above reasons, Adatia in combination with Ejima does teach the recited claim language.

The Ditzik Reference

Ditzik does not make up for the deficiencies of Adatia and Ejima. Ditzik discloses computer and communications systems designed for both portability and desktop uses. Such systems include a flat panel display device assembly 2, an expandable hinge device 10, a battery power source 9, a keyboard assembly 16, and wireless communications devices 32, 51. (Ditzik, Abstract).

The Office alleges that FIG. 3A-3B and paragraph [0042-0043] of Ditzik disclose "a base unit or notebook computer system 100, a handset unit 14 and an earset 34". On this basis, the Office alleges that "it would have been obvious to one having ordinary skill in the art at the time to provide a method, as taught by Ditzik, to protect the screen when not in use,

in Adatia” and further that “one would be motivated to provide the feature that protects the display screen, if the sole purpose of the apparatus is not just viewing the screen.”

In contrast to the recited claim language, Ditzik does not teach or suggest that the notebook or PDA operates according to “a first mode for interacting with the media device when the media content relates to *music playback*.” While Ditzik does include electronics for wireless voice and PCS operations to allow it to be used for voice/data communications while carrying it about, Ditzik teaches nothing about utilizing the notebook or PDA for listening to music while the notebook or PDA is in the closed position. Ditzik discloses only telephone-like operation during transport (i.e., the user may speak towards one or more microphones 36 and will be able to hear the other person talking through audio speakers 30. (paragraph [0046])).

Furthermore, Ditzik does not even teach the *capability* of playing music while the notebook or PDA is in the closed position. Music capability requires different electronics than a wireless phone or PCS utilizes. The playing of music requires a process to receive and read data and properly process it to convert the data to signals understandable by the speakers. Music files are in specific formats such, for example .mp3 or .wav files, and need specific processing to read them. In addition, music requires some sort of storage media for storing the music files, such as local memory or peripheral CDs. There is nothing in Ditzik that teaches or suggests these elements. Thus, Ditzik does not teach or suggest that, upon closing the notebook or PDA, the notebook or PDA operates according to “a first mode for interacting with the media device when the media content relates to *music playback*.”

Ditzik, as with Adatia and Ejima, does not disclose “at least one component physically movable between a first position corresponding to the first mode and a second position corresponding to the second mode, wherein when said at least one component is moved to the first position, the media screen of the media device is substantially shielded from view, wherein when said at least one component is moved to the first position, a portion of the media screen remains unshielded from view.” As discussed, Ditzik does not teach or suggest that the notebook or PDA operates according to the “first mode” (i.e., relating to “*music playback*”) when the notebook or PDA is closed.

Ditzik also does not disclose “wherein said at least one component includes a plurality of physical user interface controls for interacting with the media content when said at least one component is physically moved to the first position.” In the closed position, Ditzik’s notebook or PDA does not include any physical user interface controls which allow a user to interact with media content in a recording playback mode.

The Narayanaswami Reference

Narayanaswami does not make up for the deficiencies of Adatia, Ditzik, and Ejima. Narayanaswami discloses an attachment apparatus for a handheld computer having a display. A camera assembly mounts to the attachment portion for providing images to the handheld computer, and an interface electrically connects the handheld computing device to the camera assembly for transferring the image data to be displayed on the display of the handheld computer. However, Narayanaswami’s attachment apparatus does not have an audio mode or any function that can be equated with a “first mode for interacting with the media device when the media content relates to music playback” as recited in claim 1. Furthermore, Narayanaswami does not teach or suggest any means for shielding a display or any physical user interface controls for interacting with media content when the display is shielded.

Therefore, because Adatia, Ditzik, Ejima and Narayanaswami do not teach all of the recited claim language, they cannot possibly be combined to form the recited combination.

Applicant notes that each of the remaining dependent and remaining independent claims may recite additional claim language that further defines over the cited references. For example, claim 8 recites “wherein said at least one component is ***swappable*** with at least one alternate component, wherein when said at least one alternate component is physically moved to the first position, the media screen of the media device is substantially shielded from view and a portion of the media screen remains unshielded from view, and wherein said at least one alternate component comprises a plurality of physical user interface controls for interacting with the media content when said at least one alternate component is physically moved to the first position.” (emphasis added). The Office cites Ditzik as disclosing a handset 14 that may operate roughly equivalent to conventional cellular telephone handset. However, regardless of whether the handset 14 operates as a conventional cellular phone, the handset 14 in Ditzik cannot be swapped with the component of the laptop that ***shields*** the

display 4 when in the closed position. The component of the laptop in Ditzik that shields the display 4 when the laptop is closed is the main body of the laptop including components 8, 9 and 16. The handset cannot be swapped with the main body of the laptop because there is no capability in the laptop for removing the main body (components 9, 16 and 8) and replacing it with the handset. Furthermore, there is no reason or advantage of doing so.

With respect to claim 12, the references fail to teach or suggest “wherein said at least one component includes a first component and a second component, wherein the first and second component substantially surround opposing ends of the media device.” The Office cites Ejima as disclosing a first component (presumably the sliding LCD cover 14) that substantially surrounds an end of the media device. However, the LCD cover 14 does not actually substantially surround any end of the camera. As shown in FIGS. 2 and 3 of Ejima, the LCD cover 14 touches only one side (X2) of the camera. Thus, Ejima does not teach even one component that “substantially surrounds an end of the media device.” Furthermore, as stated by the Office, Ejima does not teach a dual enclosure system. The Office alleges that although Ejima does not explicitly show a dual enclosure system, it would be obvious to provide such a feature to enclose the screen by splitting the cover portion in half and make it slide from the top and bottom as well. However, referring to FIG. 2 of Ejima, it is clear that if Ejima were modified to include a second component that slides upward from the LCD 6, such a cover would cover the view finder 2 and speaker 5. This would render Ejima inoperable for use as a camera since the user would be unable to use the finder 2 when the LCD 6 is visible. Accordingly, the Applicant respectfully submits that it would not be obvious to modify Ejima to include “first and second component ***substantially surround opposing ends of the media device***, such that when the first and second components are moved substantially towards the middle of the media device from their respective ends, the media screen of the media device is substantially shielded and said at least one component is located at the first position.”

With respect to claim 17, the references fail to teach or suggest “wherein the at least one component include a first component including the media screen, at least one roller component and a second component, wherein said at least one roller component substantially operates as a hinge for said first component and said second component about which the first and second component pivot, whereby said at least one roller component includes at least one

user interface control that operates by at least one of (A) turning the at least one roller component substantially about a longitudinal axis of said at least one roller component, (B) sliding the at least one roller component substantially along the longitudinal axis and (C) receiving a selection of a button control on an end of the at least one roller component.” The Office cites Narayanaswami as disclosing a positioner 158 which permits rotation of lens 132 to allow versatility in capturing images (paragraph [0039] and Fig. 5). However, the positioner 158 does not operate as a hinge for a first component that substantially shields the display 104 of the PDA 100.

The cited references also fail to disclose various additional aspects of claim 20. Claim 20 recites:

A portable media player comprising:
a body;
a media screen; and
two wings mounted on opposing sides of the body that slide outward from the media screen to reveal the media screen in an open position fully revealing the media screen and that slide inward from the open position to a closed position to substantially cover the media screen, the media content comprising image content when the two wings are in the open position and comprising music content when the two wings are in the closed position, the two wings operating as a stand for the portable media player, at least one of the two wings comprising physical user interface controls for controlling the portable media player and having controls for controlling the media content when the wings are in the closed position,
wherein a portion of the media screen remains visible despite the substantial covering of the media screen for the display of additional information to a user, and
wherein at least one of the two wings is interchangeable with an alternate wing,
wherein the alternate wing comprises physical user interface controls providing alternate functionality for controlling the portable media player.

It is respectfully submitted that none of the cited references teach the emphasized claim language. For this additional reason claim 20 and the claims depending therefrom define over the cited references.

DOCKET NO.: MSFT-2871/307103.01

Application No.: 10/788,812

Office Action: December 27, 2007 – **Advisory:** March 18, 2008

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

For all of the foregoing reasons, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

CONCLUSION

The undersigned respectfully submits that pending claims are allowable and the application is in condition for allowance. A Notice of Allowance is respectfully solicited.

Examiner Kumar is invited to call the undersigned in the event a telephone interview will advance prosecution of this application.

Date: June 26, 2008

/John E. McGlynn/
John E. McGlynn
Registration No. 42,863

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439